

**UNITED STATES BANKRUPTCY COURT**  
**Northern District of California**

In re:	)	Bankruptcy No.: 18-50126-SLJ
	)	R.S. No.: JHR-109
ANN BATINOVICH	)	Hearing Date:
	)	Time: .
Debtor(s)	)	
_____	)	

**Relief From Stay Cover Sheet**

Instructions: Complete caption and Section A for all motions. Complete Section B for mobile homes, motor vehicles, and personal property. Complete Section C for real property. Utilize Section C as necessary. If moving party is not a secured creditor, briefly summarize the nature of the motion in Section D.

(A) Date Petition Filed: 1-19-18 Chapter: 13  
Prior hearings on this obligation: none Last Day to File §523/§727 Complaints: n/a

(B) Description of personal property collateral (e.g. 1983 Ford Taurus):

Secured Creditor [ ] or lessor [ ]	
Fair market value: \$ _____	Source of value: _____
Contract Balance: \$ _____	Pre-Petition Default: \$ _____
Monthly Payment: \$ _____	No. of months: _____
Insurance Advance: \$ _____	Post-Petition Default: \$ _____
	No. of months: _____

(C) Description of real property collateral (e.g. Single family residence, Oakland, CA): Single family residence

Fair market value: \$2,270,766 Source of value: Schedules in husband's case (#17-52444 Victor Batinovich)  
If appraisal, date: 2/22/2015 for \$2,300,000 when loan was made

Moving Party's position (first trust deed, second, abstract, etc.): Third deed of trust

Approx. Bal. <u>\$1,193,071.64</u>	Pre-Petition Default: <u>\$1,183,213.15</u>
As of (date): <u>1-31-2018</u>	No. of months: <u>33, loan is fully matured</u>
Mo. payment: <u>\$8877.24 (interest only)</u>	Post-Petition Default: <u>\$9,858.49</u>
Notice of Default (date): <u>4-5-2017</u>	No. of months: <u>13 days plus attys' fees</u>
Notice of Trustee's Sale: <u>8-4-2017</u>	

Specify name and status of other liens and encumbrances, if known (e.g. trust deeds, tax liens, etc.):

Position	Amount (est)	Mo. Payment (est.)	Defaults (est.)
1 <sup>st</sup> Trust Deed: Wells Fargo	\$448,959.97	\$13,709.51 (est)	\$43,047.40 (est)
2 <sup>nd</sup> Trust Deed: Seterus/Fannie Mae	\$65,445.00	\$3,715.00	\$22,762.65 (est)
See attachment for other liens	\$1,039,967.90	Unknown	\$1,033,593.79 (est)
(Total)	\$1,554,372.87	\$17,424.51	\$1,099,403.84 (est)

Other pertinent information: Husband filed two bankruptcy cases which have now been dismissed. Debtor's first chapter 13 case was dismissed effective 1-19-18 under 11 U.S.C. §109(e) on alternative request for relief from stay. This motion alternatively seeks dismissal under §109(e) or for bad faith or alternatively for adequate protection.

Dated: January 24, 2018

Binder & Malter LLP

By: /s/ Julie H. Rome-Banks  
Julie Rome-Banks  
Attorneys for Movant

List of Additional Liens and Encumbrances:

<b>Additional Lien Claimants</b>	<b>Lien Amount</b>	<b>Defaults (est).</b>
County of Santa Clara Real Property Taxes	\$12,748.24	\$6,374.12
4 <sup>th</sup> – Wells Fargo Bank abstract (Victor)	\$487,250.93	\$487,250.93
5 <sup>th</sup> – IRS Tax Lien (Ann)	\$73,178.58	\$73,178.588
6 <sup>th</sup> – Dept. of Labor abstract (Victor)	\$410,647.68	\$410,647.68
7 <sup>th</sup> - State of California Tax Lien (Victor)	\$38,030.54	\$38,030.54
8 <sup>th</sup> – State of California Tax Lien (Ann)	\$18,111.93	\$18,111.93
Total	\$1,039,967.90	\$1,033,593.79